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Letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the fourth report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) (see annex).

The report details the progress made by the Commission, since its previous report dated 14 March 2006 (S/2006/161) in investigating the assassination of former Lebanese Prime Minister Rafik Hariri and 22 other victims, and in providing technical assistance to the Lebanese authorities in their investigation of the 14 other cases. In particular, the report highlights the considerable progress made in consolidating the Commission's investigative capacity and organizational structure; developing its investigative activities; and adapting its internal procedures to the standards and requirements of a future judicial process, possibly a tribunal of an international character. The report again underscores the Commission's methodological and standard-based approach to the implementation of its mandate, as set out in the above-mentioned resolutions.

I wish to thank the staff of the Commission for their dedicated and systematic work in difficult circumstances. I also wish to thank Mr. Brammertz for his continued leadership in advancing the investigation of the attack. In particular, I welcome the partnership he has developed with the Lebanese judicial and law enforcement agencies. I share the view expressed by Mr. Brammertz and the Government of Lebanon that the Commission should be provided with stability and predictability in its mandate and resources.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

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Annex

Fourth report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005)

Serge Brammertz
Commissioner

Beirut
10 June 2006

Summary

The Security Council requested the International Independent Investigation Commission to report to it on the progress of the inquiry, including on the cooperation received from the Syrian authorities, every three months from the adoption of resolution 1644 (2005) of 15 December 2005.

The present report highlights the further progress made by the Commission in strengthening its organizational structure and capacity, developing its investigative activities and adapting its internal procedures to the standards and requirements of a future judicial process, possibly before a tribunal of an international character. In particular, the Commission has reviewed all previously collected information and is investigating systematically all possible leads. It currently features 24 investigation projects, covering a wide range of areas. Evidentiary materials of already completed investigative projects are being stored in an organized and systematic fashion, ready to be accessed by the relevant judicial authorities.

In terms of the technical assistance it provides to the Lebanese authorities in the 14 other cases, the Commission believes that a more concerted and robust effort is needed to move the investigation forward; and while increased international assistance is necessary to strengthen the necessary technical and investigative capacities of the Lebanese investigative authorities, the Commission could conceive of a more proactive role for itself in pursuing these investigations.

The cooperation it receives from Member States has become an ever more important condition for the completion of the Commission's work. 32 requests to 13 States have been submitted during the reporting period, highlighting the wide international reach of the investigation. Cooperation with the Syrian Arab Republic has developed further. The Commission will continue to request the full cooperation of the Syrian Arab Republic, including in collecting documents, seeking specific information and facilitating the interviews of Syrian citizens.

The Commission welcomes the request of the Government of Lebanon to the Secretary-General dated 4 May 2006 to extend its mandate for a further period of up to one year. Such extension would provide a sense of continuity and stability, enable progressive operations and planning and offer assurances to staff.

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the United Nations International Independent Investigation Commission to report to the Council on the progress of the inquiry every three months, including on the cooperation received from the Syrian authorities. It covers the progress made in implementing the Commission's mandate, as laid out in Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005), since its previous report dated 14 March 2006 (S/2006/161).

2. In keeping with the methodology outlined in its previous report, the Commission has continued its systematic and standard-based approach to the investigation of the killing of former Lebanese Prime Minister Rafik Hariri and 22 others (Hariri investigation) and its provision of technical assistance to the Lebanese authorities in their investigation of the 14 other cases. In particular, the Commission has made progress in strengthening its organizational structure and capacity; developing its investigative activities; and adapting its internal procedures to the standards and requirements of a future judicial process, possibly before a tribunal of an international character.

3. The organizational consolidation of the Commission following the expansion of its mandate in December 2005 and the appointment of a new Commissioner in January 2006 has progressed. While still not at full capacity, most of the Commission's key positions are now filled or under recruitment, most notably in the investigation division. As a result, the previous vacancy rate of almost 50 per cent has been reduced to less than 20 per cent. Finding qualified international language staff, however, remains one of the main challenges in this respect. Also, the urgently needed expansion of the main operating base to accommodate the growing number of staff is moving forward. Lastly, the Commission has commenced negotiations with the Government of Lebanon to further clarify its legal status through a supplemental memorandum of understanding that would augment the original memorandum of 13 June 2005.

4. Already, the increased number of investigators, lawyers and analysts has allowed the Commission to make steady progress in the Hariri investigation on a broad front. Presently, 24 concurrent investigation and analysis projects are under way, covering the full array of investigative work in such areas as forensic

examinations of exhibits and seized items; investigations of the crime scene and convoy; experiments and simulations; telecommunications; organizational structures; linkage investigations and analysis; and interviewing of key witnesses and sensitive sources. Each project is covered by a multidisciplinary task team, comprising experts equipped with the appropriate skill set for each respective project.

5. In particular, the Commission has mounted extensive and systematic forensic examinations of the immediate circumstances that led to the killing of Mr. Hariri and 22 others. For instance, just recently, it completed a 23-day forensic investigation of the crime scene and the remnants of the convoy vehicles of Mr. Hariri. It has also received forensic simulations, such as 3-D models and 2-D animations and sound blast recordings, to help establish a comprehensive picture of the crime scene on the day and at the exact time of the explosion. Also during the reporting period, the Commission undertook DNA analysis, computer forensic investigations, fingerprints research, telephone analysis and documents examination. More forensic examinations are ongoing or will become necessary in the future. For example, a comprehensive forensic inventory and database of all exhibits currently in the possession of both the Lebanese authorities and the Commission will be created.

6. As far as the Commission's expanded mandate is concerned, namely to extend technical assistance to the Lebanese authorities in 14 other cases, progress has been made by carrying out several comparative analyses. By comparing the modus operandi and possible motives of each case, a working hypothesis has been developed that groups the cases into two clusters of eight explosions in public locations and six attacks directly targeting specific individuals. This comparison will facilitate conclusions concerning the nature of the perpetrators and enable the identification of possible linkages with the Hariri case. It has also become apparent that only a concerted effort to boost the resources and capacity of the Lebanese judicial and law enforcement authorities, and possibly a more proactive role for the Commission in the investigation of the 14 cases, will ultimately lead to any tangible progress in the development of these cases.

7. During the reporting period, the Commission has also determined its own set of internal procedures, as provided in paragraph 6 of Security Council resolution 1595 (2005). It facilitates further standardization of the investigative work of the Commission and ensures due respect for applicable legal and professional standards. The procedure has, for example, standardized the conduct of interviews of witnesses and suspects, taking into account Lebanese law and relevant international standards, including international criminal procedure, so as to prepare for future legal proceedings before a tribunal, possibly of an international character. The procedure has also standardized the Commission's requests for assistance to Member States. All requests for assistance now follow a consistent format and are being recorded, monitored and followed up within the time frames requested. This facilitates an objective assessment of the cooperation that the Commission receives from requested Member States.

8. The cooperation of Member States has become an ever more important element of the Commission's work. 32 requests to 13 States have been submitted during the reporting period, highlighting the wide international reach of the investigation. Cooperation with the Syrian Arab Republic has developed further and

meetings have been held with the President and Vice-President. Several other requests for specific information, documents and facilitation of witness interviews were met in a timely and generally satisfactory manner. Also, working-level meetings with senior representatives of the Government of the Syrian Arab Republic are now being held regularly, both in Damascus and Beirut, to discuss the practical modalities of such cooperation. The Commission has received the repeated assurances of the Government of the Syrian Arab Republic that all Commission requests will be met in a timely and satisfactory manner, and that the Syrian Arab Republic wishes to play an active role in supporting the Commission's search for the perpetrators of the crimes.

9. Considerable progress has been made in building a solid organization capable of meeting the significant investigative, analytical, security, translation and interpretation, and other challenges associated with its mandate. Nonetheless, sustaining an undertaking of such complexity over an extended period of time remains a critical focus of the Commission's work. Certainty of mandate and predictability of financial, human and other resources are the backbone of any organizational growth. They constitute the underpinning of the systematic and methodological approach advocated in the Commission's previous report. The Commission thus welcomes the request of the Government of Lebanon to the Secretary-General dated 4 May 2006 to extend its mandate for a further period of up to one year. Such an extension would provide a sense of continuity and stability, guarantee steady operations and planning, and offer assurances to staff.

II. Progress in the investigation

10. During the reporting period, the Commission's investigative focus has been on completing the consolidation of inherited work, continuing the investigation of ongoing aspects of the crime, developing numerous new leads and areas of the investigation and putting systems in place that ensure appropriate management of the investigation. The imperative remains to achieve realistic evidential results in the quickest possible time frame.

11. In the present section, the Commission reviews its ongoing work on the key layers of the case: the crime itself; the identification of those who committed it or had knowledge of the operation or planning of it; and the identification of those who commissioned it. In so doing, the Commission provides as much detail as possible while respecting the underlying need to preserve confidentiality and investigative leads.

A. Properties of the crime

1. Working parameters

12. As indicated in the previous report, one of the investigation's primary focuses has been the establishment of a unifying theory on whether the explosion of the improvised explosive device (IED) that killed former Prime Minister Hariri and 22 others occurred "below ground" or "above ground", consisted of one or two blasts, or was triggered by any potential combination of those factors. Systematically and conclusively, examining and establishing those fundamental aspects of the crime is

essential to facilitate further progress in the investigation and satisfy the evidential standards of a future judicial process.

13. Knowledge of the number of explosions and exact location of the IED at the moment of explosion would facilitate a better understanding of the planning and execution of the crime; the nature and composition of the perpetrating team; the skills and coordination required; the time spent to plan the attack; the period during which the decision to kill Mr. Hariri was taken; and the extent of involvement, potential advance knowledge or complicity of other individuals.

14. The importance of comprehensive forensic work in advancing the investigation should be emphasized. Forensic examination and analysis provide the basis for many other investigative steps, case hypotheses and establishment of evidence. While the Commission acknowledges the excellent work undertaken by previous forensic teams, it believes that further forensic work was and remains necessary.

2. Forensic exploitation of the crime scene

15. The Commission has undertaken extensive baseline investigative steps to clarify the explosion aspects of the crime, including the collection and corroboration of witness information. It has also undertaken comprehensive forensic tests, some of which remain ongoing. This will enable the Commission to conclude, to a satisfactory evidential level, the circumstances of the explosion on the day.

16. A team of forensic and crime scene experts began the Commission's final forensic exploitation of the crime scene in late May 2006. The objective of the project was to conduct systematic investigations on the crime scene and collect forensic evidence, including to establish whether the Mitsubishi truck was used to deliver the bomb, whether the device was detonated by an individual and the exact location of the device when it exploded. In addition, the project sought to collect forensic evidence to demonstrate the exact circumstances of the detonation: whether the explosion occurred above ground or below ground and whether a second bomb was detonated at almost the same time. The project required the careful examination of tons of debris, metal and plastic fragments within an area of 41,000 m^2.

17. The final crime scene exploitation also aimed at conducting DNA analysis of recovered human remains. This will assist in the identification of the individual who initiated the IED and any victims of the attack. The project also sought to confirm existing and developing new investigation leads regarding the planning and execution of the operation. Altogether, the effort has produced over 1,900 additional exhibits, all of which are undergoing further forensic examination.

18. In addition, in March 2006 the Commission completed the forensic examination of the vehicles of the Hariri convoy. It laid out the vehicles in their approximate positions immediately prior to the blast. The objective of that exercise was to investigate the effects of the explosion on the vehicles and to seek further evidence. A total of 76 samples of widely dispersed metal fragments, embedded in the vehicles at varying heights above the ground, were collected. Due to their size, shape and physical state, it is likely that the fragments originated from the explosives container (i.e., the Mitsubishi truck) or a metallic object in the close vicinity of the IED.

19. The fragments have been submitted to metallographic and forensic paint analysis to determine their origin. Trajectory analysis will be undertaken to

determine the exact location of the IED, and to establish whether the pieces originated from the container and the direction of the fragments in the moments immediately after the explosion. The results will be compared to the analysis of the properties of the two potential IED locations, above ground or below ground, to assist in establishing the 3-D position of the IED immediately before it exploded.

Characteristics of the explosion

20. As noted above, whether the explosion occurred above ground or below ground or a combination of both is a priority for the Commission. The properties of an above-ground or below-ground explosion differ considerably in terms of the characteristics of the crater; the trajectory and nature of the debris; and the effects and characteristics of the blast, such as the fireball, thermal effects and impact on surrounding buildings. The Commission's extensive forensic work will allow it to establish which of the above-mentioned properties apply to the explosion in the Hariri case.

21. To obtain additional clarity on the various theories surrounding the properties of the blast, a final analysis of seismological data resulting from the blast is under way. The results will help to corroborate other forms of evidence regarding the issue of whether one or two blasts occurred, the power of the explosion and the quantity of explosives used, as well as to assess whether the blast occurred above or below ground. One reason for acquiring such data has been to determine the precise time of the blast, which has been set at 1255.05 hours. The confusion about the precise time of the blast was related to the inaccurately set clock on the closed circuit (CCTV) of the HSBC Bank. A comparative analysis will also be conducted of other blasts that have occurred in Lebanon relative to the magnitude of the blast that killed Mr. Hariri on 14 February 2005.

22. The forensic, physical and chemical properties of explosions that are attributed to an above-ground or below-ground IED explosion have been closely examined with the Hariri case in mind. They relate to the nature of the fireball and the associated thermal properties; the trajectories and distances of blast-related debris from the container or carrier of the device, from the ground and from those human remains associated with the carrier, the convoy and the vicinity; the effects of the blast wave from the perspective of the victims and the nearby structures; the physical properties of the crater and surrounding area prior to and after the explosion; the sound wave factors in relation to the experience and evidence of witnesses when the explosion occurred; the seismic vibrations registered upon explosion; and the additional complications of blast wave and air shock dynamics arising from the surrounding urban environment.

23. The crater formed by the blast is a particularly important forensic area for exploitation. It has now been established that the amount of explosives necessary to form a crater similar to that created by the attack on 14 February 2005 would be approximately 500 kg of TNT equivalent, at a depth of 1.7 m under the ground; 1,200 kg of TNT equivalent if the IED was placed above the ground; or 1,800 kg of TNT equivalent if the IED was approximately 0.80 m above the ground. Thus, if the Mitsubishi truck was indeed used as the container for the explosives, the amount of explosives employed should have been at least 1,200 kg of TNT equivalent.

24. Moreover, evidence collected from within the soil on the inside of the crater indicates that the IED was most probably located above the ground since the

explosion drove it downwards into the ground. All fragments collected in this area will be subjected to trajectory analysis and integrated into other trajectory findings so as to establish, in a 3-D 360-degree model, the exact location of the IED before its detonation. An examination of the underground systems within the road and its environs was also conducted and no traces of any part of an initiating device were found.

25. In this context, the Commission is still examining exactly how the explosives would have had to be placed on the truck to achieve the intended effects and how they must have been wired to detonate in the way they eventually did. This will help to determine whether any signature methods were used in the creation of the IED and what level of expertise was needed to assemble the device.

The container for the explosives

26. As noted above, the various vehicle parts recovered during the forensic examination of the crime scene are currently undergoing biological and other forensic analysis and identification so as to establish their origin, in particular whether they belong to the Mitsubishi truck, referred to in the Commission's previous reports. One piece of metal, possibly a roof of a vehicle, was retrieved from the arm of the crane attached to a building at the crime scene (Byblos building), approximately 50 m above the ground. Also, an ignition key device was collected adjacent to a building that had previously not been forensically exploited.

27. Moreover, the gearing mechanism of a vehicle was found embedded in the ground inside the crater, some 40 cm below the surface. It is also undergoing trajectory and forensic analysis to establish the properties of the vehicle from which it may have originated. Preliminary assessments indicate that this mechanism was driven into the ground of the crater by an explosion from above.

Human remains

28. A total of 119 possible biological exhibits were recovered from many different locations around the crime scene. Upon preliminary examination, at least 44 are confirmed human remains and a minimum of another 12 pieces are expected to be confirmed as human remains once forensic examinations have been completed. They are also currently undergoing identification, DNA and trajectory analysis. In matching existing DNA with any newly established DNA profiles, the Commission will work closely with the Lebanese forensic authorities.

Convoy route

29. A systematic project of interviewing or re-interviewing all members of Mr. Hariri's security staff, including the surviving members of his convoy, those managing his security and those in his immediate personal staff, is nearing completion. The objectives are to clarify the convoy's route; the exact timing of its progress; stop and start times; timing and knowledge of route selection; the utilization of one or more Mercedes Benz 600 vehicles in the convoy both on the day of the attack and before; patterns of when the route passing the St. George Hotel was previously selected, including for the previous visit to Parliament on 8 February 2005; the utilization of electronic countermeasures and their exact capability; the perpetrators' overall plan; the point and timing of introduction of the Mitsubishi

truck, the details of the last two days of Mr. Hariri's life; and the weaknesses and strengths of the security panoply which surrounded him during that period.

30. Concurrently, a map with 2-D animations of the movement of the convoy on the day of the attack has been created and linked with aerial pictures and videos to visualize exactly in real time the movement of the convoy along its route.

31. Considering the nature of the convoy route and the need to introduce the Mitsubishi truck into that route, the Commission is not yet fully satisfied that the immediate area of the St. George Hotel was, indeed, intended to be the specific location of the attack. It is possible that the plan foresaw a "rolling" attack, with the detonation of the IED planned to take place further along the route of the convoy, probably beyond the St. George Hotel, but almost certainly not before reaching it due to logistical and timing issues. For this reason, the Commission is also continuing its review of CCTV footage recorded on the day of the attack and continuing to seek footage of the projected route of the Mitsubishi truck that may have been archived.

3. Crime scene witnesses

32. A series of systematic interviews and re-interviews of over 25 crime scene witnesses is under way and will be correlated with the extensive forensic work. The objective is among other things to establish the exact movements and positioning of the Mitsubishi truck at the final stages of the operation; to establish a commonality of understanding of events at the time of the explosion; to develop additional investigative leads; and to clarify whether two sounds were heard and two IEDs used. A blast/sound wave analysis is being conducted to identify the aural properties of the blast relative to the location of each witness at the scene, which will allow the forensic determination and testimonial corroboration of whether there were one or two blasts.

4. Preliminary conclusion

33. On the basis of the extensive witness and forensic evidence collected and reviewed to date and pending the results of a series of ongoing interviews and final forensic analysis, the Commission is of the view that one above-ground explosion occurred on the day of the attack at 1255:05 hours. It was caused by a very large IED, containing a minimum of 1,200 kg of TNT equivalent and comprising a mix of TNT, PETN and/or RDX plastic explosive.

34. On the basis of the physical evidence collected, including trajectories and locations of recovered metal fragments, damage inflicted on the vehicles of the convoy and those parked on the road and visual identification from the HSBC CCTV footage, the Commission also believes that the Mitsubishi truck contained the IED, which was activated when the Hariri convoy drove by. This finding is subject to final forensic results.

35. The detonation of the IED was most probably initiated by an individual within or immediately in front of the truck. The 27 parts of human remains recovered previously at the crime scene have been identified as belonging to the same person, a male. It is likely that he was the individual initiating the IED, in part because his remains are very small in size and were recovered in the same area, all in the same forward direction from the epicentre of the blast. At this stage, the Commission

prefers not to describe the person as a "suicide bomber". It remains to be established whether the person detonated the device willingly or was coerced into doing so.

36. The amount of explosives used appears to have been calculated to ensure the success of the operation, taking into consideration the area selected for the attack and the necessary proximity and accuracy of the Mitsubishi truck's position in relation to the Hariri vehicle. With the charge estimated as having been a minimum of 1,200 kg of TNT equivalent, the attack was elevated to almost "guarantee level".

37. Given that the crime must be considered a targeted assassination, it would have been necessary to overcome both technical defences, such as jamming devices in the convoy, and the human flaws of the plan. The high amount of explosives was chosen to ensure success even if the Hariri vehicle was not directly hit but was at some distance from the actual device. It was designed so as to ensure that the killing radius of the shock and pressure wave emanating from the magnitude of the blast would kill Mr. Hariri even if he were not killed by the actual immediate explosion, the associated high velocity fragmentation of the vehicle and other physical objects or the fireball created by the explosion.

B. Individuals involved in the commission of the crime

1. Working hypotheses

38. As indicated in its last report, the Commission distinguishes between three types of involvement in committing the Hariri attack, without thereby suggesting a specific intent or criminal liability: persons who participated in the perpetration of the attack; persons who had knowledge of the operation or the planning thereof; and persons who commissioned the crime. Depending on the degree of interconnection of these three categories of persons, the Commission has developed two basic working hypotheses, as described below.

39. On the one hand, the operation could have been planned and conducted by applying the principle of compartmentalization. This would mean a complex operation, broken down into its constituent parts and conducted by individuals or groups unaware of other aspects of the operation or other participants involved in it. For example, it is possible that the acquisition, preparation and delivery of the IED to the crime scene were undertaken by persons not involved in the planning or execution of the attack. Similarly, preparation and delivery of the Ahmed Abu Adass tape could have been performed by persons not otherwise involved. Under this hypothesis, a larger number of persons may have participated or had some knowledge of at least one aspect of the plan or operation.

40. On the other hand, one single team alone might have conceived of the idea to kill former Prime Minister Hariri, conducted the reconnaissance and surveillance, prepared the videotape claiming responsibility, acquired the explosives, acquired and prepared the Mitsubishi truck, used an individual as the trigger mechanism, and executed the operation. Under this hypothesis, the number of participants may have been relatively small.

2. Individuals participating in the attack

Modus operandi employed by the perpetrators

41. In the previous report, the Commission outlined its overall investigative approach to elucidating the preparatory work of the attack; identifying those who participated and their respective tasks, including what those tasks entailed before, during and after the attack; and clarifying the overall modus operandi employed by the perpetrators.

42. In order to clarify the modus operandi, the Commission has interviewed witnesses, victims and suspects; used forensic investigation and expertise in the assessment of its means and methods; and integrated with these the analysis of communications patterns, both on the day and in the lead-up to the crime.

43. The Commission is continuing its investigations along the above-mentioned lines in order to further develop its understanding of the operation of the crime: how, when and where a group of persons gathered for elements of the operation; how, when and where reconnaissance operations were undertaken to prepare for the attack; how communications were used or not used, to precise effect and with a high degree of discipline, in the conduct of the operation, the procurement and planning stages and even after the event; and if and when knowledge of Mr. Hariri's route was obtained in order for the plan to be constructed.

44. In this context, the Commission continues to investigate whether the driver of the Mitsubishi truck was an integral part of the team or a later addition just prior to the actual attack; the identity of the individual initiating the IED and whether the individual was a willing or coerced participant in the crime; how many people committed the attack and how many facilitated it; who else had contact with the team in the weeks, days and hours leading up to the attack; which entities have the capability and capacity to undertake an attack of such complexity in the manner it was executed; where the explosives came from; who had the knowledge and capacity to build the IED and when, where and by whom it was actually built; and how the vehicle was delivered to the crime scene.

45. Finally, the Commission, jointly with the Lebanese Prosecutor General's office, is continuing its investigations into the sourcing, nature of acquisition and movements of the Mitsubishi truck between the time of its acquisition and its use in the attack, as a priority line of enquiry. In particular, the truck acquisition represents a key aspect of the case, enabling a better understanding of the modus operandi of the team that perpetrated the attack.

The individual initiating the IED detonation

46. As indicated earlier, the identity and manner of participation of the individual initiating the detonation of the IED, either from within or close to the front of the Mitsubishi truck, are key aspects of the investigation. Consequently, the Commission is focusing on whether the individual had been an integral part of the team preparing and executing the attack or rather was integrated into the operation just prior to the actual attack.

47. In this context, it will be important to determine the intent for that individual's participation and whether it was based on an act of volition or coercion. Each alternative would lead to different conclusions in terms of motives for the operation,

this requires intricate knowledge of the motives, means, and methods of "suicide bombing" in the region. DNA and comparative analysis is under way, with the Commission looking locally, regionally and further afield for matches to the DNA of the individual suspected of having initiated the IED. This will possibly allow the Commission to determine the geographic origin of the individual.

48. The validity of the claim of responsibility in the videotaped message of Ahmed Abu Adass is of particular relevance in the Commission's effort to establish the identity and participation of the individual initiating the IED. The Commission is examining the religious and political aspects of the videotaped pronouncement as well as the means by which it was delivered, including how, when and by whom. It is also investigating the five associated telephone calls to *Reuters* and *Al Jazeera* following the attack, two of which claimed responsibility for the attack and three of which were related to the tape that was provided. Experts are being consulted to enable the Commission to clarify certain issues arising from this aspect of the crime.

49. Forensic analysis and media forensic analysis is under way on those aspects of the tape in which Ahmed Abu Adass claims responsibility for the attack, on other associated items and on the physical modalities of delivering the message. The collection of fingerprints and DNA research has been performed and is being matched against the fingerprints and DNA profiles of Ahmed Abu Adass and others. Also, a computer forensic examination of the computer of Ahmed Abu Adass is being conducted, the results of which will be analysed. A number of interviews of relevant persons have been conducted in connection with this aspect of the case.

50. At this stage, as a result of extensive forensic analysis and other information and evidence collected to date and pending final DNA results from recently collected evidence at the crime scene, there is no evidence to suggest that Ahmed Abu Adass is the individual who initiated the detonation of the IED, as stated in his claim of responsibility. Nor is there any evidence to suggest that Ahmed Abu Adass was present at the crime scene, in any capacity, on 14 February 2005. The Commission does not exclude the possibility that he was involved in other aspects of the operation beyond his participation in the making of the videotaped message claiming responsibility.

Communications traffic

51. Communications analysis is a major task, with the collection of up to 5 billion records by the Commission currently under way. All must be sifted, sorted, collated and analysed. This work is painstaking in its depth, with any linkage established almost exponentially generating further linkages. The Commission has devoted a project team of analysts and investigators to this task and is acquiring specialized software and hardware to accommodate the project requirements. Such traffic analysis work requires focus. Hence, the Commission is concentrating on the immediacy of the Hariri case and closely associated links with the operation and other relevant issues, and the results of this work are continuously integrated into the broader case components.

52. The traffic and intercept analysis has expanded beyond the immediate utilization of the six subscriber identity module (SIM) cards, referred to in the Commission's previous reports, on the day of the attack. Complex linkages, associated calls and geographic locations of a broader time period are being scrutinized and added to the overall investigation findings. The communications

currently under analysis also have an international dimension, although the Commission is not in a position to make final conclusions about the significance of such calls at this stage.

3. Persons with knowledge of the operation or its planning

53. The investigation aims not only to understand the modus operandi of the team that prepared and executed the attack, but also establish who else may have had knowledge of the crime. Indeed, it is important to determine precisely who, other than the perpetrators, possessed knowledge of the operation, its planning or other parts thereof. Identifying and interviewing those individuals could provide important information and evidence pertaining to the crime.

4. Persons who commissioned the crime

Motives for the attack

54. While advancing its knowledge of the properties of the crime and the persons involved in its perpetration, the Commission is also examining a number of different motives for the murder of former Prime Minister Hariri. The Commission appreciates the possibility that there may have been more than one reason for wanting to kill Mr. Hariri. It is not examining one factor alone; rather, it is also investigating hypotheses for a number of factors that may have come together at one time or another, thus multiplying the motives of the persons who commissioned the crime. Each hypothesis varies in its complexity; some are multilayered and others relatively straightforward. Given Mr. Hariri's numerous activities and prominent positions, the Commission is investigating political motives, personal vendettas, financial circumstances and extremist ideologies, as well as any combination of those factors, in developing its hypotheses regarding the possible motives of the persons who commissioned the crime.

55. The Commission is still examining possible political reasons and imperatives as a motivation for the assassination of Mr. Hariri. In this respect, it is of the utmost importance for the Commission to obtain intricate inside knowledge of the political circumstances prevailing in Lebanon and the wider region at the time of the attack. Of particular importance is the functioning of the political, military, security and civilian organizations and hierarchies in Lebanon, and how and by whom decisions were made from both the de jure and de facto perspectives.

56. The Commission is still considering the assumption that the situation following the collapse of the Al Madina Bank was a contributing factor to Mr. Hariri's killing. While there has been much open-source speculation concerning the collapse of the Bank, the Commission believes that it is necessary to establish facts surrounding this assumption, including the possibility that funds from the Bank may have been channelled to finance the operation. However, the Commission will not divert resources into a broader pursuit of Al Madina matters.

57. The Commission is also examining the possibility that a single group, with a singular intent and capacity, committed the crime. For example, the Commission is continuing to develop its knowledge of individuals who are or have been in the custody of the Lebanese authorities, allegedly as members of terrorist groups. This area of its investigations remains ongoing and is focusing on the links, intent, capacity and motivations of those individuals.

58. Conversely, the Commission is examining multilayered concepts that envisage disparate individuals or groups with different motives and intents joining together to commit the same crime.

Collection of evidence

59. In this context, the Commission is continuing to conduct a series of interviews with individuals who can assist in laying out the formal and informal structures that were apparent in Lebanon at the time of Mr. Hariri's killing, including interviews with Syrian and Lebanese officials from a number of different organizations and agencies, as well as other relevant individuals who are not part of such organizational structures. The Commission believes this process will remain ongoing for an extended period.

60. In searching for motives, the Commission is continuing to conduct political analysis, develop macro-timelines of numerous themes and topics, reconstruct events, examine the content of meetings and analyse conversations and documents. This aspect of the Commission's work involves many forms of evidence identification, utilizing witness testimony, technical information, forensic data, documentation, expert testimony and open sources. Establishing evidential links between the person or persons who commissioned the crime and the act itself is an extremely complex undertaking.

III. Technical assistance in the 14 other cases

61. In line with its mandate as expanded by Security Council resolution 1644 (2005), the Commission has continued to provide technical assistance to the Lebanese authorities in the 14 cases outlined in its last report. The Commission has dedicated a full-time multidisciplinary project team to this task, comprising legal, investigative, analytical, forensic and communications expertise. The team works closely with the Prosecutor General's office and the investigative judges assigned to the 14 cases.

62. The Commission's focus during the reporting period has been on advancing both the status of each case individually and that of all cases horizontally so as to establish potential links between the attacks. As a result, the 14 cases are now better understood in terms of the profile of each attack, the current stage of their investigation and the steps needed to strengthen and accelerate the investigation process.

63. Specifically, the Commission has provided technical assistance to the Lebanese authorities, including by providing lists of questions to be asked of witnesses, requesting the collection of and examining CCTV footage in several cases, requesting certain witnesses to be re-interviewed and examining communications records. From a forensic perspective, the Commission is conducting DNA profiling of biological samples, undertaking an analysis of the available forensic reports for the cases and comparing analysis of the seismological data from all 14 explosions.

A. Status of the 14 cases

64. Analysis of the cases through the prism of their modus operandi has established the general pattern that explosive devices were used in all cases, without any evidence of alternative means being utilized. Moreover, it leads the Commission to discern three specific methods of attack: the use of car bombs in three cases; the use of explosive devices placed or attached under the victims' vehicles in three cases; and the placement of explosive devices in public locations in eight cases.

65. Looking at the cases from the point of view of their possible underlying criminal intent leads to similar conclusions: eight attacks appeared to have no specific individual targets and made use of bombs placed in public places at hours intended to minimize the casualty rate; and six attacks did have specific individual targets but were designed to avoid creating a large number of additional victims. The specifically targeted individuals were either politicians or influential journalists.

66. Finally, the Commission is considering a number of different case hypotheses on the basis of the chronological order of the attacks. Two such hypotheses are: (a) that the 14 attacks could have been planned as five separate phases, with the intent not only to eliminate specifically identified persons but also to create widespread fear and anxiety among elements of the population by targeting public locations; (b) alternatively, the attacks could be divided into two clusters with different perpetrators — one cluster of eight bombs in public places and one cluster of six bombs targeting specific individuals. Motives and reasons for the attacks may differ significantly, depending on the hypothesis adopted.

1. The eight bombs in public locations

67. The similarities among the eight attacks in public locations are evident. Preliminary analysis suggests that the attacks were executed by the same perpetrators, using the same modus operandi and with the same criminal intent. The first five attacks occurred within an approximate six-week period in 2005: New Jdeidh on Sunday, 19 March; Kaslik on Wednesday, 23 March; Bouchria on Sunday, 26 March; Broumana on Friday, 1 April; and Jounieh on Friday, 6 May. The latter three attacks occurred in Ashrafieh (Monot Street) on Friday, 22 July; Zalka on Monday, 22 August; and again in Ashrafieh (Naoum Libki Street) on Friday, 16 September. All locations are situated in predominantly Christian neighbourhoods.

68. Also, the time of each attack was similar in that they were executed at hours of the day when the location where each bomb exploded was less populated. The timing of the attacks was as follows: New Jdeidh, 0032 hours; Kaslik, 0116 hours; Bouchria, 2113 hours; Broumana, 2143 hours; Jounieh, 2134 hours; Ashrafieh (Monot Street), approximately 2145 hours; Zalka, 2234 hours; and Ashrafieh (Naoum Libki Street), approximately 2345 hours. It appears that, in all eight cases, the explosive device was placed in a manner that would raise little attention, most likely in order to enable the perpetrator/s to escape before the device exploded.

69. The comparable modus operandi of each attack could point to a single group of perpetrators who aimed to conduct a series of sustainable repetitive attacks with a minimum of complications. The operational capability and capacity to execute such attacks is high, yet the method chosen is as simple as possible in order to achieve the aim.

70. As far as the characteristics of the explosive devices are concerned, the size of the charge, in all eight cases, ranged between 10 and 20 kg of TNT, possibly mixed with other types of high explosive. This is sufficiently small to be carried by a single person and large enough to ensure a significant impact. The devices were detonated either by using a timing device or by remote control. The combined number of fatalities caused by all eight attacks was relatively low: four people were killed and approximately 60 injured.

71. While the seriousness of those deaths and injuries should not be minimized, it should be noted that the combined minimum amount of 120 kg of explosives used in the eight attacks, if used, for example, in public places at midday, could have elicited much higher numbers of casualties but would also have carried a higher risk for the perpetrators. The choice of time and location of the eight attacks must therefore be seen as a deliberate choice by the perpetrators, offering a balance between effect, number of casualties and escape. One possible motive is the intent to spread fear among the population, destabilize the security situation and cause damage to infrastructure. The fact that no advance notice was given of any of the attacks indicates that the perpetrators accepted the probability that some individuals would be killed or injured.

2. The six targeted bombs

72. The six targeted bombs were designed to kill specifically identified politicians or journalists, without harming large numbers of additional victims. Samir Kassir, May Chidiac and Gebran Tueni were or are prominent journalists; Marwane Hamadeh and Elias El-Murr were or are government ministers; and George Hawi was the former Secretary General of the Communist Party of Lebanon. It will be necessary to carry out a detailed examination of each victim's professional, public and personal backgrounds and political and religious affiliations, as well as those of their acquaintances, friends and alleged enemies, in order to assess how, where and if the victims are linked to each other from the perspective of the perpetrators.

Linkage by motive

73. As in the Hariri investigation, it is important to consider a "layering" of the motives for these crimes. At one level, the reason for the attacks may be based on motives associated with each victim individually; thus, one or more of the attacks may not be linked to other attacks at that level of motivation. At another level, the attacks may fit into a broader scheme of intent.

74. Another linking aspect currently considered by the Commission is that of the claims of responsibility made in three of the cases — the Hariri, Kassir and Tueni attacks. A few days after the Tueni attack, a previously unknown organization, "The Fighters for the Unity and Freedom of Bilad El-Cham", claimed responsibility for his and Kassir's assassination; similarly, in the Hariri case a claim has been made by Ahmed Abu Adass on behalf of another previously unknown group, "Victory and Jihad in Bilad El-Cham". The two groups, which include the same name[1] in their

[1] While "Bilad El-Cham" literally translated means "the land of Syria", it is widely understood as referring to "Greater Syria".

titles, may be two independently operating terrorist groups or may be linked to each other. It may also be the case that the two groups existed neither before the attacks nor thereafter.

Linkage by modus operandi

Three under-vehicle devices

75. Linking the attacks from a modus operandi perspective, the three specifically targeted persons who appear to have had no personal protection arrangements — Samir Kassir, George Hawi and May Chidiac — each had explosive devices placed underneath their cars. The operational capability and capacity to execute such attacks is high, yet the method chosen is simplified to maximize the chances of success with a minimum of complications. Each of the three attacks demonstrates the specific targeting of the individual, suggesting that likely prior surveillance was carried out to establish the level of personal security arrangements and personal habits, including the relevant vehicle and seat for the placement of the explosive device.

76. In the Kassir case, the bomb was placed directly under the driver's seat, either on the ground or attached to the vehicle. At the time of detonation, Mr. Kassir was inside his car, in the driver's seat, and he died as a result of the blast. In the case of Mr. Hawi, he was sitting in the passenger seat beside his driver; the detonation occurred almost 300 m after he had been driven away from his home. The blast caused Mr. Hawi's immediate death and slightly injured the driver of the vehicle. In the Chidiac case, the bomb was placed under the chassis of the vehicle, attached by magnets directly under the driver's seat. The detonation occurred just after Ms. Chidiac had gotten into her vehicle. As a result, the victim sustained serious injuries; further harm was prevented by the strong frame of the vehicle. It is likely that all three bombs were detonated by remote control.

77. Estimates of the magnitude and types of the explosive charges used in all three cases range from 500 g to 2 kg of either RDX plastic explosive or a mixture of TNT and RDX. In at least two instances and possibly all three, it appears that the bombs were attached to the undersides of the vehicles by magnets.

Three car bomb devices

78. In the cases of the other three specifically targeted persons — Marwane Hamadeh, Elias El-Murr and Gebran Tueni — bombs had been placed in cars parked along the route taken on the day of the attack. It appears that all three had some form of personal security arrangements. The operational capability and capacity required to execute these attacks is higher than in the three previously discussed cases. In particular, they required better intelligence and more complex reconnaissance and surveillance coverage to maintain the highest chances of success.

79. The attack on Mr. Tueni demonstrates this approach well. It is possible that the perpetrators had conducted their reconnaissance and surveillance some weeks before his killing and had already prepared the bomb and vehicle in anticipation of an earlier attack. However, Mr. Tueni left the country. He had been in and out of the country more than once over the previous months, sometimes staying away for

weeks at a time. It is estimated that the perpetrators waited for timely information of his return to execute successfully their pre-planned operation within 14 hours.

80. On the day of the attack, Mr. Tueni, his driver and a security escort had left home in Mr. Tueni's vehicle, taking a well-known short-cut, when they passed by the vehicle carrying the bomb. The latter was parked on the right-hand side of the road when the detonation occurred. The vehicle bomb contained approximately 35 kg of TNT and was most likely ignited by remote control. As a result of the blast, Mr. Tueni's vehicle was blown from the road into a ditch further down the hillside; three persons died and six others were injured.

81. In the case of Mr. Hamadeh, the explosive device was placed between the back seat and the trunk of the vehicle carrying the bomb, positioned in a way to direct the blast towards Mr. Hamadeh's Mercedes Benz. At the time of detonation, the two vehicles were approximately 1 m apart. The blast caused the immediate death of Mr. Hamadeh's escort, while Mr. Hamadeh and his driver sustained serious injuries. It should be noted that the escort had been sitting in the back seat of the Mercedes Benz, the seat it could be assumed Mr. Hamadeh would occupy. It is likely that a remote control device was used to trigger the detonation. The bomb is believed to have weighed approximately 6 kg, and was made of RDX, the approximate equivalent of 10 kg of TNT.

82. Mr. El-Murr, former Minister of Interior and current Minister of Defence, had four cars to choose from and used a different one every day. On the day of the attack, he left home in a 4x4 vehicle. Mr. El-Murr was driving his car, accompanied by an officer and a driver. The officer was sitting in the passenger seat next to the driver while the driver was sitting behind the actual driver's seat. When they passed by the parked vehicle carrying the bomb in the Naccache area, the device detonated and killed an unrelated person driving by the scene at that time while Mr. El-Murr and his passengers were injured. It appears that the explosive device contained 40 kg of TNT, was placed in the trunk of the vehicle and was detonated by a remote control device.

3. Preliminary conclusions

83. The Commission has reached the preliminary conclusion that the 14 cases were not commissioned and executed by 14 disparate and unconnected persons or groups with an equal number of separate motives. Analytically, the cases can be linked in a number of different ways and from varying perspectives, notably their similarities in the modus operandi and their possible intent. Evidentially, however, none of the cases is developed to an extent that would allow the identification and linking of perpetrators.

84. In the eight explosion cases in public locations, both witnesses and in some cases suspects have been interviewed. To date, no charges have been filed and no arrests have been made. Very few leads have been established that would allow further development of the cases. Hence, at this stage, it appears that the investigation in each of the cases has come to a virtual halt, pending the quest of the investigative judge for new information that would reactivate the cases.

85. In the six targeted bombing cases, a number of useful leads exist that could be followed up forensically, technically and through further investigations. At this

stage, further evidential development is awaited. No suspects have been arrested or charged for the crimes.

86. Similarly, no clear linkages between the 14 cases and the Hariri investigation have yet been identified. The Commission is performing comparative analyses with the seismological data from the Hariri case, and will utilize the findings of the scaling experiments of the Hariri case to evaluate the quantities of explosives used in the 14 cases. It has also interviewed some individuals with alleged linkages to the Hariri case.

87. Further coordinated investigative work and additional capacities are required to elicit such evidentiary links. The Commission will pursue its examination of the modus operandi used in each case and of the forensic, political, religious, geographic and personal aspects of the crimes, from the perspective of both victims and perpetrators. In addition, communications traffic is being scrutinized for linkages.

B. Strengthening the investigations of the 14 cases

88. As indicated earlier, while different in their individual stages of investigation, at this point in time the investigation of all 14 cases by the Lebanese authorities is lacking significant forward momentum. This is due to a number of factors, including lack of forensic capacity to collect and analyse evidence from the scenes of crime and lack of horizontal linking and forensic analysis. Since most of these are structural and institutional factors, the Commission has little reason to believe that this status will change in the foreseeable future. It seems unlikely that progress, including possible arrests, can be achieved without significant external assistance to the Lebanese authorities, serving as a catalyst for providing investigative capacity, coordinating capability and technical assistance.

89. In addition, the Commission believes that the investigative development of the cases has suffered a negative impact from the tangible lack of operational confidence between different Lebanese law enforcement agencies, the reality of active internal rivalries slowing or stopping progress, the fragmented responsibilities of differing Lebanese agencies for different aspects of the cases, the limited sharing of information and ideas, and even concerns of whether to move forward with the cases as a result of internal and external factors. In particular, both the role and confidence of the investigating judges in each case have suffered from this fragmentation.

90. The Commission has received copies of the case files from each investigating judge, and is currently analysing each file individually and collectively to ascertain the evidentiary status of each case and develop a menu of next investigative steps. It has also begun a comprehensive communications analysis project. In order to assist the Lebanese authorities more effectively, the Commission has allocated a multidisciplinary team of five full-time staff members to this task.

91. Given the significance of the 14 cases and their potential importance to the Hariri investigation, however, the Commission is of the view that a more concerted and robust effort is needed to advance the investigation of the 14 cases; and while increased and coordinated international assistance is certainly necessary to

strengthen the capacities of the Lebanese investigative authorities, the Commission believes that it could contribute considerably to the outcome of these investigations.

92. For example, where it deems appropriate, the Commission could undertake concrete investigative steps, such as interviewing witnesses, victims or suspects. This would support the judicial and investigative bodies in the 14 cases, assist in breaking the current status quo of each of the cases and allow for the development of horizontal linkages between the cases. While the Commission is aware of the fact that such proactive involvement in the investigation of the 14 cases might have considerable resource and time implications, it deems it appropriate in the interest of justice for all victims of the series of bombings in 2004-2005 and for the strengthening of the Lebanese judicial system.

IV. External cooperation

A. Interaction with the Lebanese authorities

93. The Commission is continuing to interact closely with the Lebanese authorities on all aspects of practical or legal relevance to the investigation. In particular, the commitment displayed by the Prosecutor General of Lebanon and his office, as well as the investigating judge assigned to the Hariri investigation, were critical to the progress made during the reporting period. The Commission has also met several times with the Minister of Justice and has enhanced its interaction with different branches of the Lebanese legal and law enforcement systems, including the President and members of the Bar Association.

94. Also, as part of the Commission's provision of technical assistance to the Lebanese authorities, regular meetings were held with the military judges and the investigating judges in charge of the different cases, discussing the progress of each case, their possible links to each other and various other matters related to the provision of technical assistance.

95. The regular interaction and exchange of information between the Commission and the Lebanese authorities have been crucial in moving the investigation forward. The Commission has continued to share with the Lebanese judicial authorities most documentary, testimonial and physical information and evidence obtained in the course of the investigation. Naturally, any such information-sharing is subject to the requirement to protect the confidentiality and sensitive nature of certain information obtained.

96. The ongoing final exploitation of the crime scene is another example of the close and mutually reinforcing nature of cooperation between the Commission and the Lebanese authorities. Through the Prosecutor General and his office, the Lebanese authorities have provided and coordinated extensive forensic, security, logistics and other support to the forensic work of the Commission. With the possible establishment of a tribunal of an international character, this close and effective interaction will become even more essential, notably to ensure that the investigative results of both the Commission and the Lebanese authorities will comply with the requirements of future judicial proceedings.

B. International cooperation

97. Obtaining the cooperation of Member States in technical, judicial and legal matters remains a crucial aspect in helping the Commission fulfil its mandate. Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) oblige Member States to fully cooperate with the Commission. As the investigation has progressed, the Commission has submitted over the past months an increasing number of specific requests to different Member States, seeking their assistance in obtaining information, documents or facilitating witness interviews, as well as in providing technical assistance and expertise to different investigation projects.

1. Cooperation with the Syrian Arab Republic

98. The Syrian Arab Republic is required to cooperate fully with the Commission. This is specifically mandated by the Security Council in its resolutions 1595 (2005), 1636 (2005) and 1644 (2005), adopted under Chapter VII of the Charter of the United Nations. As indicated in its report to the Security Council dated 14 March 2006 (see S/2006/161), the Commission and the Syrian Arab Republic have reached a common understanding on the legal framework and certain practical modalities for cooperation. To facilitate cooperation, regular working-level meetings were held between senior representatives of the Syrian Arab Republic and the Commission in both Beirut and Damascus.

Meetings with the President and Vice-President of the Syrian Arab Republic

99. As noted in its previous report, the Commission and the Syrian authorities reached a general understanding to hold meetings in the course of April 2006 with both the President and Vice-President of the Syrian Arab Republic. The Commissioner met with the President and Vice-President of the Syrian Arab Republic in Damascus on 25 April 2006.

100. The Commissioner raised a number of specific questions related to the regional political and security context before and after the assassination of former Lebanese Prime Minister Hariri, the reporting mechanisms to the President and Vice-President of the Syrian Arab Republic on the situation in Lebanon prior to the withdrawal of Syrian forces from Lebanon on 26 April 2005 and the interaction between Syrian and Lebanese authorities during that period, including the professional and personal relations between the Syrian President and Vice-President and other senior Syrian officials with former Prime Minister Hariri. Both the President and the Vice-President provided answers useful to the investigation. The Commission established a verbatim record of each meeting.

Other requests for assistance

Requests for information and documents

101. During the reporting period, the Commission submitted 16 formal requests for assistance to the Syrian Arab Republic, in which it requested that the Syrian Arab Republic provide, within a stipulated time frame, specific and detailed information of relevance to the Commission's investigation, including information and documents pertaining to the Syrian military and civilian intelligence apparatus dealing with Lebanese matters; specific information about certain Syrian citizens;

and information and statements obtained from Syrian citizens in the course of investigations conducted by Syrian authorities. Three requests were submitted as a result of the meeting between the Commissioner and the President of the Syrian Arab Republic.

Requests for interviews with Syrian witnesses

102. The Commission has also requested the Government of the Syrian Arab Republic to assist by facilitating witness interviews of Syrian citizens in the Syrian Arab Republic. To date, the Commission has conducted interviews of six witnesses in the Syrian Arab Republic, arranged as and when requested. The Commission is currently examining the depth and validity of responses provided in the interviews of Government officials, and to that end will undertake corroborative interviews in the near future.

Evaluation of responses to Commission requests

103. The level of assistance provided by the Syrian Arab Republic during the reporting period is generally satisfactory. The Syrian Arab Republic has responded to all of the Commission's requests in a timely manner and in some instances comprehensive responses were provided.

104. In order to assist the investigation, the full and unconditional cooperation of the Syrian Arab Republic with the Commission remains crucial. On the basis of information received, further requests will be formulated and addressed to the Syrian Arab Republic. In all its meetings with Syrian officials, the Commission received assurances of the intention of the Syrian Arab Republic to comply fully with all its requests and to support the Commission's pursuit of those who killed former Prime Minister Hariri. Syrian officials have also offered to actively cooperate with and assist the Commission by making available information in their possession which may be relevant to the investigation. The Commission will continue to request full cooperation from Syrian authorities, including in collecting documents, seeking specific information and facilitating the interviews of Syrian citizens.

2. Cooperation with other Member States

105. Despite having strengthened its own capacities and in the light of the complexity of some of the investigative leads, the Commission requires the active external support of Member States on technical and judicial matters. The employment of all measures necessary to ensure the expeditious implementation of the Commission's requests for assistance is therefore of crucial importance.

106. During the reporting period, there has been a substantial increase in the number of requests for assistance submitted to Member States. Since 15 March 2006, a total of 32 formal requests for assistance have been sent to 13 different Member States, not including requests to the Syrian Arab Republic and interaction with the Lebanese authorities. Generally, Member States have responded positively to such requests and supported the Commission's work, including by providing forensic technical assistance, technological support, tracking of telephone communications, resource capacity and analysis.

3. Management and monitoring of requests

107. During the reporting period, the Commission further refined its internal procedure and policy for the preparation and management of requests for assistance sent to Member States and other entities. These newly adopted procedures are consistent with the procedures applied by international judicial institutions. Requests for assistance addressed to Member States have been standardized and the Commission has developed a uniform and systematic approach to drafting such requests. A specific database has been established to ensure that all the requests and responses received may be adequately recorded and any appropriate follow-up initiated, and that the Commission may assess the cooperation that it receives.

V. Organizational support

A. Internal procedure

108. The Commission's further consolidation is also reflected in the adoption of its own internal working procedure, as directed by the Security Council in its resolution 1595 (2005). This procedure aims to ensure uniformity in the work of the Commission, as well as the respect of minimum professional standards. It regulates the principal aspects of investigative work, such as interviews.

109. The internal working procedure sets out the standard operating procedures applicable to the different investigative and managerial aspects of the Commission's work. The investigative matters regulated include the modalities of interviews of witnesses and suspects; the treatment of sensitive sources; and the management of forensic exhibits and evidence. Managerial issues encompass a code of conduct and interpretation and translation standards. In addition, the internal procedure standardizes the relations of the Commission with Member States and their judicial authorities, in particular regarding requests for assistance.

110. In addition, the Commission is currently reviewing the possibility of developing a witness protection programme. To that end, it has approached Member States to explore the extent to which they may be able to offer support, including by linking the programme to their own national witness protection programmes. If such support can be obtained, the Commission would develop a set of standard operating procedures, specifying the range of protection measures that it could offer to witnesses and sensitive sources. The development of such a programme remains a priority area in order for the Commission to bolster its investigative work.

111. While based on relevant international standards, the internal procedure takes into account Lebanese law and judicial procedures, as well as the practice of the Commission since its establishment. In defining the standards to be applied, the Commission considered the procedures of international criminal jurisdictions and the minimum guarantees afforded by international criminal law and international human rights law. The internal procedure will therefore help ensure that any information collected or obtained by the Commission is admissible in future legal proceedings, notably before a tribunal of an international character.

B. Systems management

1. Information management

112. The Commission has undertaken a detailed review of its information management capabilities. As a result, it has enhanced its information management environment, including through the increased use of its document management system, the development and implementation of additional standardized procedures and a strategic vision for the medium term. Also, a data management support team has been established and is almost fully staffed. The Commission will continue to review its information management and analysis environment regularly and to reinforce it as and when required.

2. Analytical capabilities

113. The Commission has also procured a number of industry-standard analytical tools with the aim of significantly enhancing its information analysis capabilities. A framework for the full utilization of its newly established analytical capabilities has been developed and is currently being implemented, and all of the Commission's analysts now have access to the software concerned.

3. Information technology infrastructure

114. The Commission's information technology infrastructure is currently being upgraded so as to host the substantial quantity of information received from external parties; this will include approximately 5 billion records of information related to telephone communications and over 1 terabyte of electronic data. The storage and processing capabilities required to facilitate the effective and efficient use of such quantities of information are currently being procured and installed.

C. Language services

115. With a view to accommodating the significantly increased requirements generated by the intensified Hariri investigation and the expanded mandate of the Commission (technical assistance in the 14 cases), it was deemed necessary to enhance and professionalize the current translation/interpretation component of the Commission. An adequate and readily available capacity for translating primary and secondary sources and documents from Arabic into English remains a critical prerequisite for progress in the work of investigators and analysts. In line with the professional approach promoted by the Commission and in the light of the highly sensitive and confidential nature of the subject matter, it is necessary to provide for a more robust in-house language service that adheres to the standards of other international organizations and judicial institutions.

116. An in-depth review carried out by an external expert resulted in the decision to establish a dedicated language service section within the Commission, comprising a coordinator function, translators/revisers, transcribers, language assistants and interpreters. Primarily, these will have to be recruited internationally in order to minimize the exposure of national language staff to sensitive information and thereby reduce the potential security risk for this group.

117. The Commission has adopted a set of standard operating procedures for language staff and established a global roster of qualified and available staff. Both measures will serve not only the further professionalization of this component of the Commission but also the requirements of a future tribunal, possibly of an international character. They will help ensure the preparation of high-quality work products for later use in court proceedings and avoid a major backlog of translation work.

D. Administration

1. Recruitment

118. The rapid amplification of its institutional capacity continued to be one of the Commission's key tasks during the reporting period. As a priority, the high vacancy rate facing the Commission in January 2006 (some 47 per cent of posts unencumbered), especially in the investigation section (only six remaining investigators), has been reduced considerably to less than 20 per cent at present. In response to the Commissioner's call for the support of Member States in filling these vacancies, both in his Security Council presentation on 16 March 2006 and his letter of April 2006 to Member States and international judicial and law enforcement institutions (such as the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the United Nations Office on Drugs and Crime, the European Police Office and the International Criminal Police Organization), the Commission received a significant number of names of individuals interested in serving as investigators, analysts or forensic experts.

119. As a result, most key positions have now been filled or are under recruitment. The investigation division currently has 23 investigators and analysts. Additional candidates are being reviewed. It is therefore expected that vacancy rates will continue to decline steadily as more applications are received. A key area that remains of urgent concern is the staffing of the language service section (Arabic-English). The Commission hopes that a concerted effort, similar to the one mentioned earlier, can produce the urgently needed numbers of experienced translators/revisers, interpreters, transcribers and other language staff.

120. The Commission is grateful for the positive responses received from Member States and international institutions to date. Yet, as the investigation progresses further, the Commission reiterates the need for continuous assistance from Member States and the relevant international institutions by making qualified and specialized human resources available on a regular basis to ensure the stability and continuity of the Commission's work.

2. Budget

121. In April 2006, the Commission submitted a new budget for the second half of 2006. The budget makes provision for 179 international staff, reflecting an increase of 49 international staff. The increase is prompted by the proposed addition of 20 international language service staff, 15 safety and security staff, 10 investigations staff and four posts in administration. It is designed to meet the heightened demands originating from an intensified investigation and the additional workload generated by the technical assistance extended in the 14 cases. Consequently, in view of the

significant threat level against the Commission and its staff, the security component of the mission also needed strengthening, as did the administrative section.

3. Augmentation of premises

122. One of the major logistical challenges of the Commission is the accommodation of staff within one secure premises, both for work and private purposes. On the basis of the expert advice of the Lebanese Armed Forces and the Internal Security Forces, it is considered the best option at present to augment accommodation and office space within the premises and further improve external and internal security measures for both staff and facilities.

123. In this respect, the Government of Lebanon has offered to facilitate the work of the Commission by providing 74 prefabricated units to accommodate the growing number of staff expected to join the Commission. Installation of the units is expected to be completed by the end of July 2006. For additional office space, the Commission works closely with the United Nations Interim Force in Lebanon on upgrading the annex building of the hotel, including necessary structural reinforcements.

E. Security

124. The security of staff and premises continues to be a priority, particularly during movements outside the main operating base, whether for official or personal purposes. The general security environment for the Commission within Lebanon and the wider region remains volatile. The focus of the investigation increases the probability of individuals or groups attempting to execute threats against the Commission or its personnel for the purpose of disrupting its mandate.

125. In this respect, the Commission has thoroughly reviewed its existing security structure and requirements, jointly with its counterparts in the Lebanese Armed Forces and the Internal Security Forces, the Department of Safety and Security of the United Nations Secretariat, and an independent security consultant. On the basis of that review, the Commission has embarked on a course of vigorously improving security in areas previously not addressed but vital to the continued operations of the Commission, and has begun an upgrade of its facilities, equipment and personnel commensurate with the perceived level of risk and threat.

126. The security section is continually reviewing and enhancing critical measures, such as close protection, threat and risk assessments and standard operating procedures, in order to maximize safety and security for all personnel. Through a cooperative approach with the Lebanese Armed Forces, security for the main operating base remains on constant alert and provides a secure environment. The Commission's security section ensures a constant state of readiness through the development and testing of emergency contingency plans, in cooperation with the Lebanese Armed Forces and the Economic and Social Commission for Western Asia.

F. Supplemental memorandum of understanding

127. The Commission has commenced negotiations with the Government of Lebanon to further clarify its legal status through a supplemental memorandum of understanding, which would augment the original memorandum of 13 June 2005. To that end, the Commission has prepared, in consultation with the Office of Legal Affairs of the United Nations Secretariat, a draft text addressing such issues as the legal status of the Commission's premises (i.e., the main operating base) or the applicable privileges and immunities of Commission staff. The draft also stipulates that, except as provided otherwise, the agreement between the United Nations and the Government of Lebanon concerning the headquarters of the Economic and Social Commission for Western Asia would apply mutatis mutandis to the Commission. The negotiations of the draft supplemental memorandum are expected to be concluded shortly.

VI. Conclusions

128. Considerable progress has been achieved in the Hariri investigation. The Commission has almost completed the critically important work relating to the crime scene, the Hariri convoy and associated events on the day. By the fourth quarter of 2006, it anticipates that the main projects relating to this aspect of the crime will have been completed, including, to a satisfactory evidential standard, all forensic results and final conclusions. At present, the fundamental building blocks for the investigation into the crime, in particular concerning the explosion, the container/carrier and the means of delivery, are largely understood and provide the basis for investigative progress with regard to those who perpetrated the crime. The Commission anticipates that an analysis of the results of its recent forensic activities, in particular the exploitation of the crime scene and the blast properties, will lead to the strengthening or exclusion of some of the existing case hypotheses.

129. The Commission is also continuing to accelerate its investigative tempo on a number of other fronts, concurrently. It will increase its focus on aspects of the commissioning of the crime and invest significant resources to establish linkages with the crime scene examination. The linkage and commissioning aspects of the investigation are the main priority for the immediate short term; understanding those aspects of the crime is the Commission's main objective for the foreseeable future.

130. As far as the 14 other cases are concerned, much investigative momentum has been lost due to the fragmented nature of the Lebanese law enforcement and judicial systems and a lack of expert capacity. In the light of the potential importance of the 14 other cases to the Hariri investigation and their significance for Lebanese society as a whole, the Commission believes that a more concerted and robust effort is needed to move those investigations forward. Although increased external assistance is necessary to strengthen the technical and investigative capacities of the relevant Lebanese authorities, the Commission could also conceive of a more proactive role for itself in pursuing these investigations, which could involve undertaking such concrete investigative steps as interviewing witnesses, victims or suspects, as and when deemed appropriate.

131. Much progress has been made in consolidating its organizational structure and capacity, yet the Commission still faces the key institutional challenges of securing

adequate resources in a timely manner, identifying and employing the necessary expert staff and resources on short notice, and reaching full operational capacity. As the investigative process progresses and becomes more complex, rapid and non-administrative assistance from Member States and international organizations will continue to be necessary to ensure stability and continuity in the work of the Commission. In that respect, identifying significant numbers of qualified language staff (Arabic-English) is one of its most immediate concerns.

132. In that context, the Commission welcomes the initiative of the Government of Lebanon to recommend an extension of its mandate for up to one year. This would provide a much needed sense of continuity and stability; guarantee progressive operations and planning; and offer assurances to staff. Indeed, the predictability of financial, human and other resources are the backbone of successful organizational performance. They constitute the underpinning of the systematic and methodological approach advocated in the Commission's previous report.

133. Finally, the Commission would like to take this opportunity to renew its thanks to the Government of Lebanon for its continuous substantive and logistical support. In particular, the Commission would like to express its gratitude to the many staff of the Lebanese Armed Forces and the Internal Security Forces who ensure its safety and security on a daily basis. Their dedicated service has allowed the Commission to pursue its operations without any serious disruption or effects on staff morale.